

Virgin Islands National Park



COMMERCIAL SERVICES PLAN





Commercial Services Planning

Commercial service needs within national parks are identified through General Management Plans, design concept plans and commercial services plans such as this. National Park Service policy allows commercial uses in park areas under carefully controlled safeguards. Permissible activities are those that are necessary and appropriate for public use and enjoyment of park areas in which they are located and that are fully consistent with the preservation and conservation of the park areas. Commercial uses may be permitted that are not in derogation of park purposes or values and that provide recreational opportunities for visitors, contribute to visitor enjoyment of park resources, and support or achieve applicable management objectives.

By law (36 CFR 5.3), all commercial activities that occur within a national park must be authorized by some written agreement. Commercial services are defined as activities or services to enhance the visitor experience conducted in a park by private

parties for which a fee is charged. A cornerstone of National Park Service management of commercial services is a preference for out-of-park private enterprise. It is NPS policy that if adequate commercial facilities are available to serve visitors outside of park boundaries, new facilities will not be developed nor will existing facilities be expanded within parks.

Virgin Islands National Park prepared this Commercial Services Plan to implement the park's 1983 General Management Plan and to provide long-term (10-15 year) management direction for the commercial use of park land and waters. The Plan establishes the types and levels of commercial activities that are necessary and appropriate for Virgin Islands National Park and defines how those activities will be managed. The approval of the Plan in July 2001 culminated an 18-month process to involve commercial operators, public agencies, interest groups and the general public at key stages of the planning process. ■

National Park Service Purpose and Mission

“...to promote and regulate the use of the ... national parks ... which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.”

— NATIONAL PARK SERVICE ORGANIC ACT, 16
U.S.C.

Cover Photo Credits:

Tony Bonanno – Honeymoon Beach Beach Scene
Steve Simonsen – Lignum Vitae, Catherineberg,
Coral Tunnel, Coqui Tree Frog

Table of Contents

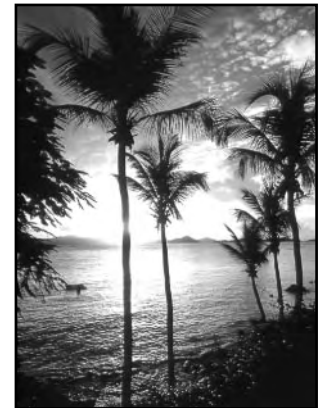


Introduction

Park Mission and Significance	i
Superintendent's Foreword	2
Executive Summary	3
Map of the Park	4-5
Why This Plan for Commercial Uses	6
Commercial Services at a Glance	7
Summary of Planning Process	9
For Information on Commercial Services	9

Commercial Services Plan

Authority to Operate	11
Concessions	13
Commercial Use Authorizations	17
Group Venues	21
Transportation Services	23
Hassel Island	25
Plan Review and Amendment	25



Application Information

New Commercial Services Evaluation Process	27
Required Documentation — Commercial Use Authorizations	29
Standard Operating Conditions — Commercial Use Authorizations	31

Acknowledgements

35

Acronyms and Terms

36

*Photo Credits: Tony Bonanno, Jim Owens
Steve Simonsen — Ranger Leading a Bird Watching Tour*



Superintendent's Foreword



For the past 18 months, the National Park Service has been engaged in a public planning process to prepare a Commercial Services Plan for the Virgin Islands National Park. That Plan has been finalized and approved by the Southeast Regional Director of the National Park Service.

This Plan represents the first time in the 45-year history of this park that there has been a comprehensive blueprint on how commercial operations within the park will be managed, both now and for the future, to ensure that quality services are being provided to the visitor and that the park's scenic, natural and cultural resources are protected. New long-term management direction for commercial uses of park land and waters is needed because the use of the national park has grown dramatically over the last two decades and is expected to continue to increase. Assuming "healthy" scenic, natural and cultural resources, this gem within the National Park System will continue to be a prime Caribbean attraction. A continuing demand for new and expanded commercial venues is expected in conjunction with this visitation growth. Without management of and limitations on this growth, increasing visitation will quickly exceed the park's infrastructure capacity and outstrip its ability to provide a quality visitor experience. User conflicts, crowding and congestion can be expected to become commonplace.

The management strategies in the Plan are expected to help the park achieve a balance between ensuring resource protection and providing a quality visitor experience, recognizing that the resources for which the park was established must remain unimpaired for the enjoyment of future generations. Absent limitations on commercial uses and venues, both the quality of the visitor experience and the health and abundance of the park's scenic, natural and cultural resources would be expected to decline.

Under the leadership of Acting Park Planner, Jim Owens, the planning process included unprecedented public involvement, including establishment of an agency interdisciplinary team and external Sounding Board, seven public open houses, five project newsletters, and regular briefings with key constituency groups. My thanks to all who participated in the planning process. Your participation was critical to our ability to craft a forward-thinking plan that balances the need to accommodate growth with the need to protect the park's sensitive resources. Also, a special thanks to Friends of Virgin Islands National Park who provided the funding for this project. The Friends' support has enabled Virgin Islands National Park to not only examine, but to take charge of, its future. ■

John H. King
Superintendent
Virgin Islands National Park

Executive Summary

This Commercial Services Plan determines the level and types of commercial visitor services necessary and appropriate in Virgin Islands National Park (VINP) over the next 10-15 years. Commercial activities within the park managed under this plan include concessions and commercial use authorizations (CUAs), formerly known as Incidental Business Permits (IBPs). Approximately 100 commercial businesses operating within the park are subject to the provisions of this Plan.

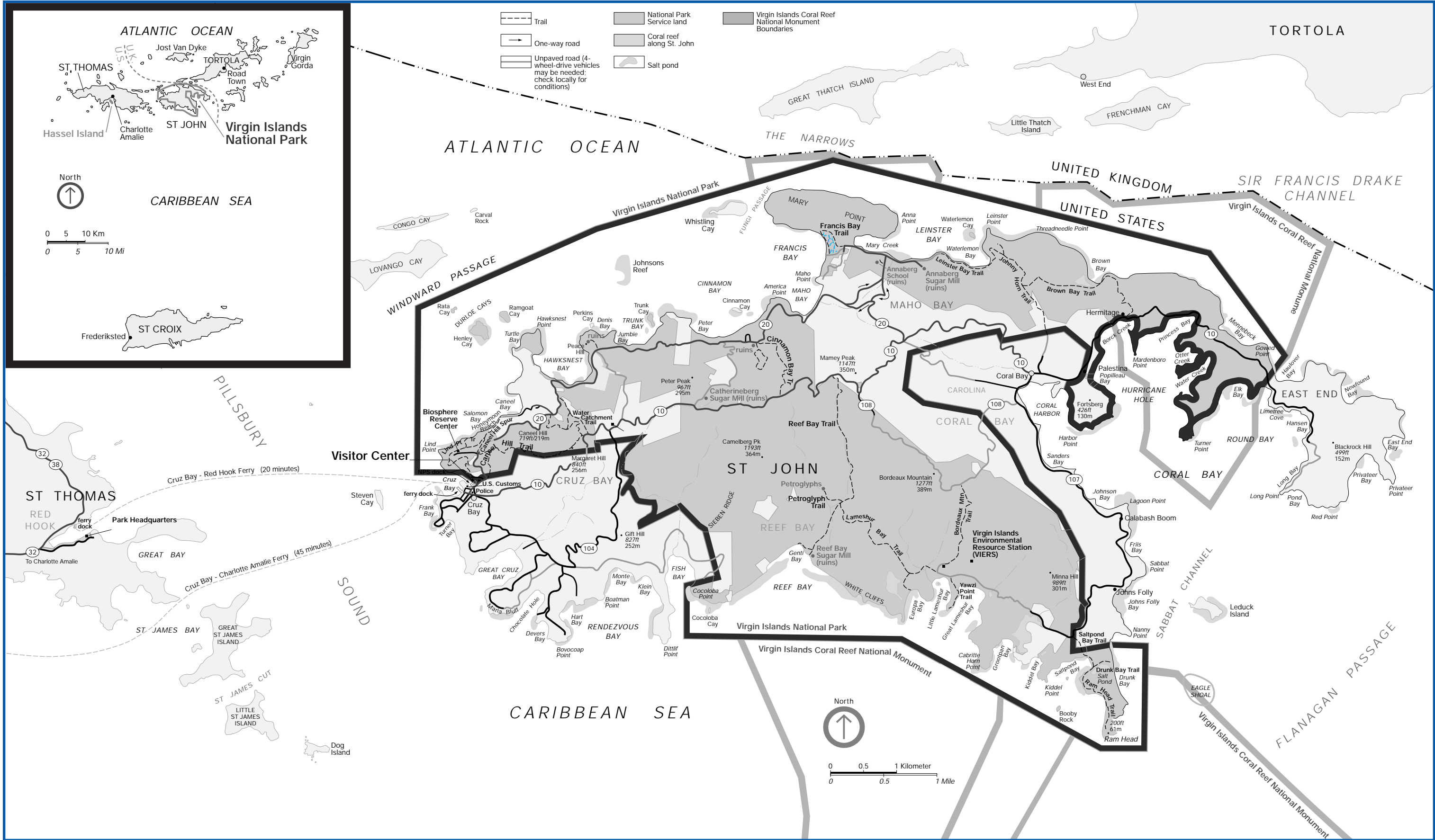
The Plan's management strategies are expected to help the park achieve a balance between ensuring resource protection and providing a quality visitor experience. The Plan provides for the continuation of the types and level of commercial services currently available to visitors to the park, as well as a moderate level in growth in most types of commercial services. At the same time, it provides a higher level of resource protection for sensitive park resources than is available under current management practices. It is also designed to ensure a quality visitor experience by responding to anticipated increases in park visitation and associated demands for new and expanded recreational venues through limitations on the number of authorized commercial uses, visitor capacities, and use restrictions. It provides a range of visitor experiences while avoiding "tourism by the numbers", recognizing that the National Park Service's over-riding mandate is to conserve park resources in such manner that they are left unimpaired for the enjoyment of future generations. ■



Visitor Center,
Cruz Bay Creek

Key Provisions

- Any business conducting an organized and/or advertised visitor service for profit within the boundaries of the National Park is required to obtain the appropriate authorization. Authorized commercial uses will be those that are necessary and appropriate for public use and enjoyment of the park, that are consistent to the highest practicable degree with the preservation and conservation of the park's resources and values, and that provide for needed visitor services that cannot be adequately met outside park boundaries.
- The Plan conceptually identifies opportunities for 7-8 separate concession operations. Before any concession is authorized, however, a feasibility analysis will be conducted to determine if the concession facility or service is economically viable. Only after the economic feasibility has been determined will a prospectus be prepared and the contracting process initiated.
- The Plan authorizes approximately 100 annual permits for commercial day use activities on park lands and waters. The numbers of permits to be authorized for certain types of uses are established either at current levels or increased to allow a moderate amount of market growth.
- Commercial tour group access is limited to specific locations such as Trunk Bay, Cinnamon Bay and Annaberg Historic Site and specific capacities are established for the amount of visitor activity occurring at any one time in specific areas of the park.
- Due to sensitive natural resources and/or insufficient infrastructure, certain beaches and bays are closed to commercial vessel and vehicle access.
- The Plan institutes measures to improve transportation services within the park, including the requirement that all businesses and individuals providing tour services within the park obtain a permit and meet certain performance standards.
- Decisions on the nature of commercial uses at Hassel Island are deferred to the update of the General Management Plan to be initiated in 2002.



Why This Plan for Commercial Uses

The purpose of this Commercial Services Plan is to provide a mechanism for establishing the types and levels of commercial activities that are necessary and appropriate for Virgin Islands National Park (VINP) and the most effective and efficient method for the National Park Service (NPS) to manage those activities. It has been prepared to implement the park's 1983 General Management Plan (GMP) and to provide long-term (10-15 year) management direction for the use of park land and waters. The GMP provides little specific direction on appropriate and necessary commercial uses in the park. It also did not anticipate any significant increase or change in Park uses.

The use of VINP has grown dramatically over the last two decades and is expected to continue to increase. Increasing use levels, including more commercial uses, may result in conflicts, crowding and congestion, adversely affecting the recreational experience. Increasing use levels also affect scenic, natural and cultural resources. The quality of the natural environment, the caliber of the visitor experience, and the livability of the island are all dependent upon the management of this growth. As tourism growth escalates, allowing unlimited recreational use can destroy the very qualities of the national park that attracts visitors and residents alike.

Both a literature review and interviews with local scientists indicate that the marine resources within VINP are not as healthy as expected given 45 years of NPS protection. Most notably, the abundance, diversity and size of marine resources within park waters have been drastically reduced. Given past trends and current types and levels of park use, future projections for marine resources within VINP are for



Commercial and recreational vessels off of Caneel Bay

a continuing slow to moderate decline. The need to protect the park's resources, particularly its marine resources, is even more compelling when the increasing deterioration of marine areas throughout the Caribbean is considered.

For the past 18 years, the regulatory system that has protected the VINP has relied upon a combination of zoning controls and a permitting process. That system has suffered from inconsistent application and enforcement, with a number of commercial uses occurring within the Park without specific authorization. Although the permitting system provides a mechanism for evaluating individual activities, it does not address the issue of cumulative effects. Additionally, there has been no mechanism for mitigating negative impacts resulting from permitted uses. Finally, there has been no limitation on the number of permits issued and thus no mechanism to limit unwanted impacts.

Long-range planning and guidance is needed to assure the comple-

mentary role of commercial services in helping the park provide quality services to the visiting public. The scenic, natural and cultural resources of VINP are key components of the Territory's tourism and recreation industry. Commercial services provide a vital partnership in helping NPS carry out its mission. By welcoming the private sector as a partner in park operations, VINP broadens the economic base of the Virgin Islands. However, promoting tourism for the sake of the economy is not the primary role of the Park and the NPS is concerned with what has been described as the increasing commercialization of the park. Commercial uses and the public activities that they provide need to be managed so that they leave the park's terrestrial and marine resources, scenery and cultural resources unimpaired for the enjoyment of future generations.

The 1998 National Parks Omnibus Management Act requires a range of revisions to the park's commercial services program. The existing concessions in the park expired in 1991

and have been operating through letters of authorization that expire on December 31, 2001. Additionally, pursuant to the 1998 Act, Incidental Business Permits (IBPs) are to be

replaced by Commercial Use Authorizations (CUAs). Under the new law, NPS may limit the total number of CUAs for any activity if limitations are determined to be necessary for

resource protection and/or to improve or maintain the quality of the visitor experience. The Commercial Services Plan provides the basis for implementing this new policy direction. ■

Commercial Services at a Glance

Commercial Activities at VINP

With the exception of concession operations at Trunk Bay and Cinnamon Bay Campground, most commercial activities occurring within VINP originate and terminate outside the park. The majority of these commercial services are geared toward cruise ship passengers. Scenic around-the-island tours and snorkeling/swimming tours to Trunk Bay are the most popular venues. Annaberg Historic Site is another popular tour destination.

Commercial water sport operations cater to both one-day cruise ship passengers and to longer-term St. John guests and residents. Popular water sport activities include crewed full-day, half-day and sunset sails to north shore

beaches. An increasing number of crewed and bareboat powerboat rental operations provide access to park waters. Charter boats (both crewed and bareboat) typically use park waters for overnight mooring or anchoring as part of a multi-island cruise itinerary. Other commercial water sports available to park users include SCUBA, SNUBA, and guided kayak excursions. The majority of water sport operations are based out of St. Thomas marinas and resorts.

Other commercial services available to park visitors include guided bicycle excursions, guided hiking excursions, and wedding/event organizers.

Commercial Permits

By law, all commercial activities

that occur within VINP must be authorized by written agreement. There are three primary types of authorizations or permits for commercial activities: (1) concession contracts; (2) Commercial Use Authorizations (CUAs), formerly known as Incidental Business Permits (IBPs); and (3) Special Use Permits (SUPs). It is important to note that none of these authorizations are property rights; they are non-transferable and cannot be sold.

Currently, one concession contract and two limited concession permits are in effect in VINP. Caneel Bay, Inc. holds the only concession contract, providing visitor services at the park's two most popular beaches, Trunk Bay and Cinnamon Bay. This concession contract was initially authorized in 1970. The contract expired in 1991 and has been extended through various letters of authorization, the latest expiring on December 31, 2001. This extension was not specific to this concession contract; rather, it was part of an across-the-board action taken by NPS pending adoption of regulations and standard concession contract language to implement the 1998 National Parks Concessions Management Improvement Act.

Caneel Bay, Inc. also holds a limited concession permit for water sports at Caneel Bay Resort. A second limited concession permit held by Maho Bay Camps, Inc. authorizes water sports activities for Maho Bay campground guests. As with Caneel's concession



Caneel Bay



Leinster Bay

contract, these two limited concession permits expire on December 31, 2001.

The majority of the commercial activities at VINP are “day trip” venues that begin and terminate outside the park. In Year 2001, 68 commercial businesses were authorized to operate within the park pursuant to one-year Incidental Business Permits (IBPs) (same as Commercial Use Authorizations). Concessions and CUAs are described in detail in later sections of this document.

Special Use Permits (SUPs) are issued by the Superintendent primarily for short-term use of park facilities for one-time events such as commercial filming, weddings, parties, and races. Long-term SUPs (not to exceed 5 years) are issued for use of a continuous nature such as operation of public telephones, dock use, or use of moorings. In 2000, 238 SUPs were issued by VINP. SUPs are not addressed in this plan except in several specific cases where they would be assigned to specific commercial activities.

Other types of authorizations considered as commercial include cooperating associations, utility rights-of-way and easements, and commercial filming

permits. Commercial air uses are under the jurisdiction of the Federal Aviation Administration.

Cooperating Associations are private non-profit corporations established to support NPS educational, scientific, historical, and interpretive activities. Eastern National Park and Monument Association is the only cooperating association operating within VINP. Eastern National offers NPS-approved publications, maps, videos and other merchandise for sale at the Cruz Bay Visitor Center and the Trunk Bay kiosk.

Right-of-Way Permits are issued by the Regional Director to authorize any new utilities on NPS lands. This includes those utilities not owned by NPS but serving NPS and/or NPS concession facilities. Permits may be issued only for those uses or activities specifically authorized by Congress and only if there is no practicable alternative to such use of NPS lands. Among current right-of-way permits are those issued to Virgin Islands Water and Power Authority to operate and maintain overhead transmission and distribution lines and to install and operate a water distribution system within park boundaries.

A commercial filming permit is required for *Commercial Filming*, defined as any filming or photography that involves the use of a model, set or prop; or requires entry into a closed area; or requires access to the park before or after normal working hours. NPS is currently preparing regulations to implement Public Law 106-206, which allows the agency to establish a fee system for commercial filming activities on park lands.

Scientific Research and Collecting Permits govern natural and social science research and related collecting activities.

Commercial Services Program

Commercial services in VINP are managed by the park's Concessions Office. Services provided by VINP related to commercial services include:

- Long-range planning for appropriate and necessary commercial services in the park;
- Preparing and issuing concession prospectuses, evaluating concession proposals, and negotiating and awarding concession contracts;
- Processing and evaluating CUA applications and issuing permits;
- Evaluating concessionaire and CUA permittees performance;
- Approving rates charged by concessionaires based upon analysis of comparable rates in the private sector;
- Safety inspections;
- Public health oversight;
- Monitoring commercial activities to ensure compliance; and
- Responding to inquiries and concerns from the public and businesses. ■

Summary of Planning Process

This Commercial Services Plan was prepared in accordance with the National Environmental Policy Act (NEPA) and NPS policy and guidelines. In conjunction with the Plan, an Environmental Assessment (EA) was prepared to assess the effects of the Plan and alternatives on natural and cultural resources, the visitor experience, socioeconomic factors, and park operations. The decision to adopt the Commercial Services Plan is documented in a July, 2001 Decision Notice (DN) and Finding of No Significant Impact (FONSI). The FONSI is based upon a Draft Commercial Services Plan and Environmental Assessment (Plan/EA) released in February 2001, and comments of agencies and the public on the Draft Plan/EA.

Because this Plan could affect park visitors, commercial operators, and island residents, public participation was a critical element in its preparation. The public involvement process included five distinct phases: (1) issues to be considered for analysis in the Plan/EA, (2) significant issues to be analyzed in detail in the Plan/EA, (3) draft range of alternatives, (4) Preliminary Draft Preferred Alternative, and (5) Draft Plan/EA.

Scoping of issues to analyze in the Plan began in April 1999, although the formal NEPA process was not initiated until November 1999. Scoping activities included four public open houses, presentations and/or workshops with interest groups, distribution of over 700 project newsletters and questionnaires, and internet posting of press releases and newsletters. Almost 200 persons attended the open houses and an equal number participated in presentations or workshops. More than 65 scoping questionnaires were submitted.

Through an April 2000 newsletter, presentations to interest groups, and media coverage, public input was then solicited on the "Significant Issues" to be analyzed in detail in the plan. In June 2000, public and agency input was solicited on a preliminary range of alternatives proposed for detailed assessment in the Plan. In July 2000, a Preliminary Draft Preferred Alternative report was circulated for public review. Based upon input received, the Proposed Action was modified and identified as the Preferred Alternative in a Draft Plan/EA.

The Draft EA/Plan was released for 30 days of public review in February 2001. Public review opportunities included distribution of over 200 copies of the Draft Plan/EA and 250 copies of a newsletter summary, three public

open houses attended by almost 100 persons, briefings with key community leaders and interest groups, and internet posting of the Draft Plan/EA and newsletter summary.

An Interdisciplinary Team (IDT) was established at the initiation of the planning process to assist in identifying significant issues and a range of alternatives to assess in the EA. The IDT consisted of representatives of each Park Division and the Biological Resources Division, USGS. In addition, a Sounding Board, composed of volunteer representatives of Park user groups, community organizations, and the Territorial government, provided input on issues related to commercial uses within the Park. ■

For Information on Commercial Services

For information regarding commercial use permits and regulations, contact:

Concessions Specialist
Concessions Office
340/776-6201 x221

For information regarding this Commercial Services Plan, contact:

Park Planner
Superintendent's Office
340/776-6201 x247

The Commercial Services Plan and its accompanying Environmental Assessment may also be viewed at www.nps.gov/viis or www.friendsvinp.org. Printed or electronic copies can be requested from the National Park Service at 340/776-6201 x247 or at npplanning@islands.vi.

Commercial Services Plan



Steve Simonsen

*Aerial view of the south shore
of St. John*

**The Commercial
Services Plan
is composed of
seven elements:**

1. Authority to Operate
2. Concessions
3. Commercial Use
Authorization
4. Group Venues
5. Transportation Services
6. Hassel Island
7. Plan Updating and
Amendment

“**E**very celebration of the national park idea that has been published in the last twenty years has ended with a few cautionary words about storm clouds on the horizon. Those clouds have now arrived, and it is no longer possible to dismiss the challenges facing our national parks in a few paragraphs.”

– STEWART L. UDALL
Environmental Author

Authority to Operate

Authorization Required

By law (36 CFR 5.3), all commercial activities that occur within any national park must be authorized by some written agreement. To comply with existing commercial use regulations, any business conducting an organized and advertised visitor service for profit within the boundaries of the park is required to obtain the appropriate authorization, e.g., concession contract, commercial use authorization, or special use permit.

A cornerstone of National Park Service management of commercial services is a preference for out-of-park private enterprise. It is NPS policy that if adequate commercial facilities are available to serve visitors outside of park boundaries, new facilities will not be developed nor will existing facilities be expanded within parks.

Authorized commercial uses will be those that are necessary and appropriate for public use and enjoyment of the park and that are consistent to the highest practicable degree with the preservation and conservation of the park's resources and values. To be authorized, proposed commercial services must:

- Prevent adverse effects on natural, cultural and aesthetic resources;
- Minimize crowding, congestion and conflicts among visitors;
- Be supported using existing NPS facilities such as parking areas, restrooms, buildings and roads; and
- Provide for needed visitor services that cannot be adequately met outside park boundaries.

New forms of commercial use will not be authorized until after environmental analysis has determined that they will not result in unacceptable

impacts on park resources. The process to be used by VINP to evaluate proposed commercial activities is detailed under *Commercial Services Evaluation Process*.

Uses Not Considered Necessary or Appropriate

The following uses are not considered necessary or appropriate for

Appropriate and Inappropriate Commercial Uses¹

The table below delineates those commercial uses that are considered appropriate and inappropriate within the park.

Appropriate Uses	Inappropriate Uses
Lodging facilities and associated services at Cinnamon Bay Campground only	Merchandise sales except in conjunction with authorized concessions or by cooperating associations
Food services at Trunk Bay, Cinnamon Bay Campground, and Hawksnest Beach (mobile)	Personal watercraft rental and use
Watersports equipment rentals and instruction at Caneel Bay Resort, Trunk Bay, Cinnamon Bay Campground and Maho Bay Camps	Waterskiing, parasailing, or towing of any person or recreational device, including dive gliding ²
Merchandise sales at Trunk Bay and Cinnamon Bay Campground only	Anchoring or mooring by commercial vessels greater than 125 feet in overall length
Scenic tours, both land and water-based	Commercial sport fishing, including guided fishing excursions
Swimming/snorkeling day excursions, both land and water-based	Commercial air tours, including sea-planes and helicopters
Guided hiking excursions	Submersible or amphibious vessels
Guided bicycling excursions	Kite surfing
Guided sea kayaking tours	Mountain and rock climbing
SCUBA excursions	Hanggliding
SNUBA at Trunk Bay only	Jeep or motorbike rally tours
Reef Bay Trail hiker pickup	Horseback riding and packing
Wedding/event organizers	Repair and maintenance operations
Water taxi services	Coin operated viewers
Collection of mooring/anchoring fees	
Operation of Red Hook dock facilities	
Operation of vessel pumpout facilities	

¹Includes uses subject to concession contracts or commercial use authorizations; does not include other commercial activities authorized through special use permits, right-of-way permits, cooperating association agreements or other authorities.

²Towing a device used by snorkelers and divers underwater at slow speeds by dinghys or other small vessels.

public use and enjoyment of the park for the reasons cited.

Merchandise sales are highly regulated in national parks in order to preserve the dignity and environmental quality of parks. NPS policy is to limit the sale of merchandise within parks to concessionaires and cooperating associations.

Personal watercraft use; water-skiing, parasailing and towing of any person or recreational device; and horseback riding and packing on trails and beaches within the park are specifically prohibited by the Code of Federal Regulations (CFR) or the Superintendent's Compendium. For **kite surfing**, safety concerns and potential conflicts with other park uses are similar to those associated with waterskiing and parasailing. This activity is not necessary for public use and enjoyment of the park.

Currently, **vessels greater than 210 feet in overall length** (AKA cruise ships) are permitted to transit through park waters, but are prohibited from

anchoring or mooring within the park. There would be no change in this restriction. Historically, **vessels 125–210 feet in overall length** (AKA mini-cruise ships) anchored throughout park waters. Based upon observed damage to seagrass beds and coral communities (Rogers et al 1988; Rogers and Garrison 1998), these vessels were restricted several years ago to anchoring in Francis Bay at depths of 50 feet or greater. With the closure of Francis Bay beach to commercial tour group use, Maho Bay or Cinnamon Bay would serve as surrogate swimming/snorkeling destinations. Directing large groups (mini-cruise ships typically transport 100+ persons) to these beaches would negatively affect the experience for other park visitors, particularly if smaller commercial vessels are using the beaches at the time. At Maho Bay, both adequate beach area and infrastructure are lacking to serve large groups. At Cinnamon Bay, large commercial groups would negatively affect the campground user experience. Also, the cumulative damage of mini-cruise ship anchors, which

typically weigh one ton each, may be greater than numerous small anchors (Rogers et al 1988). Given the speed and maneuverability of these vessels, there are numerous alternative locations for this use outside park waters. This use is not necessary for public use and enjoyment of the park. These vessels would continue to be able to transit through park waters, but no longer are authorized to anchor in Francis Bay or elsewhere in the park. This restriction applies only to commercial vessels; private vessels between 125–210 feet in overall length would continue to be able to anchor in designated areas (currently only Francis Bay).

Submersible or amphibious vessels are not be considered to be appropriate uses within a national park setting, particularly given ample opportunities to provide this service outside the park.

Commercial fishing is prohibited in national parks, except where specifically authorized by federal statute (36 CFR 2.3). 36 CFR 7.74 specifically prohibits fishing in Trunk Bay. Elsewhere in the park, the taking of any marine life is prohibited except for bait fish, or with hand-held rod or line, or with conventional Virgin Islands pots or traps. These exceptions are intended to provide for traditional fishing. **Commercial sport fishing** would not be a statutorily authorized use.

Commercial air tours must meet criteria in 36 CFR 2.17 and can be authorized only if it is determined that public health and safety, environmental and scenic values, etc. would not be adversely affected. Although at one time seaplane service was permitted from the NPS boat ramp in Cruz Bay, it was discontinued based upon a determination that vessel traffic, other water-related activities, park operations at the ramp, and environmental values would be adversely affected. The rationale for denying this use remains valid.



Cruz Bay

Commercial *repair and maintenance* operations are both inappropriate activities within a park setting and can readily be conducted on private lands outside the park.

Opportunities for commercial *mountain and rock climbing* or *hang-gliding* operations within the park would be limited and there would be a high likelihood of conflicts with other visitor uses. Given the number and location of private land in-holdings within park boundaries, there would

also likely be conflicts with private properties. These uses are not necessary for public use and enjoyment of the park.

Rally tours introduce additional vehicles to already congested roads and parking lots within the park and have the potential to adversely affect the safety and experience of other visitors.

Adequate viewpoints are available to enjoy the park's renowned scenery and *coin-operated viewers* would be an

unnatural intrusion at viewpoints and contribute to congestion and associated safety problems.

Implementation

Any inappropriate uses identified in the table that are not currently prohibited by CFR or the Superintendent's Compendium became prohibited activities at Plan adoption. At its next update, the Superintendent's Compendium will be amended to add these prohibited uses. ■

Concessions

Concession Contracts

Concession contracts are legal agreements between NPS and a concessionaire that require the concessionaire to provide certain visitor accommodations, facilities or services on park land. Key aspects include:

- Concession contracts are usually used for large complex operations and are issued by competitive bid.
- Concessionaires may be required or authorized to acquire, construct or install permanent facilities or improvements.
- The term of new concession contracts will generally be ten years or less. However, the NPS Director may award a contract for a term of up to 20 years if the Director determines that the contract terms and conditions, including the required construction of capital improvements, warrant a longer term.
- Unless specifically authorized, subconcession or other third-party agreements (including management agreements) are not permitted.



Cinnamon Bay
Campground

- Concessionaires pay a franchise fee based upon a percentage of gross receipts.
- The Superintendent approves rates and charges for services.
- Concession contracts include an operations plan, maintenance plan, safety program, and, in many cases, a building improvement plan.
- Property and liability insurance, as well as an annual financial report, are required.
- Health inspections of food services and water supply and sewage disposal systems are conducted by the United States Public Health Service (USPHS).

Authorization Process

It is important to note that *proposed concession operations must be economically feasible and generally supported by a feasibility study prepared by a qualified individual*. Authorization of new or expanded concessions is a

multi-step process. First, potential concession opportunities are conceptually identified based upon a determination that the proposed facility or service:

- Is necessary and appropriate for the public use and enjoyment of the park and identified needs are not, nor can they be, met outside park boundaries;
- Will be provided in a manner that furthers the protection, conservation, and preservation of the environment and park resources and values;
- Incorporates sustainable principles and practices in planning, siting, construction, utility systems, selection and recycling of building materials, and waste management; and
- Will enhance visitor use and enjoyment of the park without causing unacceptable impacts to park resources or values.

Following this determination, a feasibility study is conducted to determine if the proposed concession facility or service is economically viable. Only after the economic feasibility has been determined can a concession be authorized and the prospectus and contracting process initiated. For each authorized concession, a prospectus will define the type and quantity of services to be provided, the nature of improvements required, environmental requirements, the franchise fee, and the criteria upon which selection will be based. Competition is encouraged in the awarding of contracts in order to obtain the best service provider and maximize benefits to the government.

Proposed Concessions

This Plan conceptually identifies 7–8 potential concession operations, depending on whether the existing, combined Trunk Bay/ Cinnamon Bay



Caneel Bay

Campground concession is retained as a single concession or split into two separate concessions.

TRUNK BAY/CINNAMON BAY CAMPGROUND CONCESSION

The following visitor services will continue to be authorized through a concession contract(s):

- Food service, rental equipment, storage lockers, merchandising and water sports at Trunk Bay; and
- Lodging, food service, merchandising and water sports at Cinnamon Bay.

Decision on Single or Separate Concessions Deferred

Interest was expressed during the planning process on the potential to split the existing, combined Trunk Bay/Cinnamon Bay Campground concession into two separate concessions. A preliminary evaluation of the economic viability of separate concessions suggests that the cash flow and net income would be insufficient to maintain facilities to NPS standards and visitor expectations and make ongoing

capital expenditures and improvements. However, it is premature to conclude such prior to the completion of a detailed economic feasibility analysis. Consequently, the plan maintains the option for either a single concession or two separate concessions, with the final determination to be made by the Superintendent based upon the results of the required feasibility analysis and market interest.

At Trunk Bay, gift shop operations and snack bar services will continue to be provided by a single concessionaire. Separate operations would provide inadequate net income to finance the improvements that will be required to these operations.

Improvements to be Required

Improvements to the concession operations at both Trunk Bay and Cinnamon Bay will be required in the awarding of new concession contracts. For example, replacement of the existing snack bar and gift shop facilities at Trunk Bay and water sports facilities at Cinnamon Bay Campground are anticipated. At the request of the U.S. Fish and Wildlife Service, changes to night-

ime lighting at these locations may be required to minimize impacts to sea turtles. There is also the potential that responsibility for operation of the wastewater treatment plant will be transferred from NPS to the concessionaire. The nature of these improvements and services will be determined during preparation of the required economic feasibility analyses and concession prospectuses.

Water Sports Operations

At Trunk Bay, water sports activities will be included as part of the concession contract and be limited to one SNUBA operation, rental of swimming/snorkeling gear, and swimming/snorkeling instruction. Although the Draft Plan recommended that these activities be authorized as CUAs rather than as part of the concession operation, they do not meet the criteria for CUAs as the activities occur entirely within the national park.

At Cinnamon Bay, water sports services will remain part of the campground concession rather than being

split out as a separate concession operation. The existing water sports facilities will be moved inland to avoid cultural resource impacts, improve public access, and reduce visual impacts. The operator will also be required to construct new storage facilities to replace the existing facilities and the storage of equipment from operations conducted elsewhere is prohibited. An independent operation would not be expected to provide adequate net income to finance the required improvements.

Implementation

The existing concession contract with Caneel Bay, Inc. has expired but has been extended to December 31, 2001 through a letter of authorization. Given a backlog of requests, it is not expected that the required feasibility analysis will be completed before December 31 and an additional contract extension until mid-2002 or later is likely. NPS hopes to issue a prospectus(s) for a new concession operation(s) in early 2002 and award a contract(s) by mid-2002.

CANEEL BAY RESORT AND MAHO BAY CAMPS WATERSPORTS OPERATIONS

Per recent direction from the NPS Southeast Region Office, these limited concession permits will be converted to Category III concession contracts. This is a change from the July 2001 approved Plan, which would have converted the limited concession permits to CUAs upon their expiration on December 31, 2001.

Through Special Use Permits (SUPs), reserved commercial moorings will be assigned to the resorts for exclusive use in conjunction with these contracts. In turn, the contractors will be required to ensure the availability of services to their respective resorts, although they could obtain customers elsewhere to augment their resort-

generated business.

The desired future condition at Maho Bay Camps is to maintain the current mix of commercial operations, i.e., two six-pack day sail operators, a multi-passenger day sail operator, and a SCUBA/snorkeling excursion operator. The desired future condition at Caneel Bay Resort is to maintain a mix of available commercial services while minimizing the number of commercial vessels permanently moored there, given the ready access to nearby private moorings in Cruz Bay and Great Cruz Bay. Additional operations could be authorized if requested by the resorts and determined to be necessary and appropriate to the public use and enjoyment of park waters.

REEF BAY TRAIL HIKER PICKUP

This service is currently authorized as part of a CUA for day use excursions. However, a concession contract awarded through a competitive process is more appropriate for this service, as the use initiates inside the park and certain privileges and conditions are entailed. Potential services could include pickup for both NPS organized excursions and for non-NPS excursion hikers on a scheduled basis.

Recently, the park has received inquiries about the potential for commercial guided hiking excursions on the Reef Bay Trail and associated hiker pickup. It is NPS's intent to limit guided hiking services on the Reef Bay Trail to those provided by the park's Interpretive Division. Multiple concessions for hiker pickup would consequently not be a needed service.

This service may continue to be authorized through an annual CUA until such time as a concession contract is awarded. It is not expected that the required feasibility analysis can be completed before mid-2002, with awarding of a contract unlikely before Fall 2002.



Baskets of snorkeling equipment



*Lind Point
Trail*

OPERATION OF NPS DOCK AT RED HOOK

Through a competitive prospectus, a concessionaire may contract with NPS to operate the NPS dock at Red Hook with the following provisions:

- Assuming it has not previously been completed, the concessionaire will be responsible for undertaking a structural engineering analysis of the dock facilities and completing repairs required to bring the facilities up to engineering standards approved by NPS.
- The concessionaire will be responsible for providing and maintaining restroom facilities and for establishing and maintaining other visitor welcome area improvements approved by NPS.
- The concessionaire will be responsible for ground maintenance and security.
- Subject to structural limitations such as a vessel tonnage and size that can be safely accommodated, use of the dock facilities will be available for fee (at rates approved by NPS) to all commercial vessels authorized to operate within park waters.
- Unrestricted use of the dock facilities by NPS and emergency vessels

(e.g., St. John “hospital boat”) will be provided at no charge.

As with the Reef Bay Trail hiker pickup, it is unlikely that the required feasibility analyses can be completed before mid-2002 and contracts awarded before Fall 2002.

PUMPOUT FACILITY OPERATION

VINP intends to authorize a pumpout facility for use for a fee by vessels visiting park waters. If located on NPS property, the construction and operation of this facility may be competitively contracted as a concession.

As with the Reef Bay Trail hiker pickup, it is unlikely that the required feasibility analyses can be completed before mid-2002 and contracts awarded before Fall 2002.

MOBILE FOOD SERVICES

Through a competitive process, a concession contract may be available for mobile food services at Hawksnest Beach. This is a change from the July 2001 approved Plan, which would have authorized this use through a commercial use authorization. Detailed economic feasibility, site and operations analyses will be undertaken prior to authorization to assess the desirability and suitability of this commercial use. If authorized, an annual review will

assess the appropriateness of continuing this service.

In the Draft Plan/EA, mobile food service operations were also proposed for Maho Bay and Salt Pond. Operations are not being authorized at Maho Bay due to limited NPS ownership of appropriate upland areas and the potential for traffic congestion and associated safety concerns. At Salt Pond, except for a few peak weekends, demand would be low and could be adequately met by the existing private vendor that periodically operates from the parcel adjacent to the parking area.

OTHER POTENTIAL CONCESSIONS

Mooring/Anchoring Fee Collection

VINP intends to initiate a fee for the overnight use of park moorings or for overnight anchoring in park waters beginning in spring or summer 2002. In the Draft Plan, the collection of mooring and anchoring fees was proposed as a concession. However, the park has determined that it will be more expeditious to contract for this service under the park’s Recreational Fee Demonstration Program. The contracting process will be initiated in winter 2001/2002, with implementation planned for spring 2002. An assessment of the interest in and appropriateness of ancillary services (e.g., food/beverage sales and garbage pickup) will be conducted within three years of implementation of the fee program.

Other Concessions

Other new concessions could be considered (per the process detailed under *Commercial Services Evaluation Process*) if necessary and appropriate for public use and enjoyment of the park, if consistent with the protection and conservation of park resources, and if determined to be economically feasible. ■

Commercial Use Authorizations

Scope of CUAs

The majority of the commercial activities authorized by this Plan begin and terminate outside the park and are subject to commercial use authorization (CUA). The CUA is a mechanism to authorize and monitor those commercial uses and activities for which concession contracts are not appropriate. CUA operators do not enjoy the same privileges, terms and conditions as concessionaires. For example, these commercial users are not permitted to construct or use structures in the park, except those available for general public use. The 1998 National Parks Omnibus Management Act changes how Incidental Business Permits (IBPs), renamed commercial use authorizations (CUAs), are managed. Previously, parks could not limit the number of permits issued for any activity deemed appropriate. Under the new law, the type and number of CUAs may be limited for resource protection and to improve or maintain the quality of the visitor experience.

Key aspects of the CUA process at VINP include:

- Permits are issued on a calendar year basis, beginning January 1 and ending December 31. Partial year authorizations are not generally available.
- Each commercial use of park land or waters requires an individual CUA. Businesses operating more than one vessel or businesses providing multiple services, e.g. day sails and weddings, must obtain a permit for each vessel or each commercial activity.
- To provide for market competition, a limitation of three CUAs (i.e., three vessels of any size) per business is established beginning

January 1, 2002. Exempted is any business currently authorized for more than three 6-passenger vessels in association with resort operations.

- Pursuant to the Cost Recovery Act (16 USC 3a) and NPS policy, all CUAs are subject to a fee based upon recovery of NPS application, administration and monitoring costs.

NPS is now writing regulations to implement the 1998 National Park Service Concessions Management Improvement Act. Changes in the IBP/CUA permitting program may be required to bring VINP into compliance with those regulations when promulgated.

Authorization Process

CUAs will be issued on an annual basis for at least five years after plan adoption, at which time a biannual per-

mitting process could be initiated at the discretion of VINP. Details on the CUA application process are provided under *Application Information*. CUA applications will be reviewed against specific criteria, including but not limited to the following:

- The activity must be appropriate to the mission of the park, particularly in regard to resource protection, visitor protection and interpretation. In addition, the use will not be a derogation of the values and purposes for which the park was established.
- The commercial aspects of the services, except for the service itself, must occur outside of the park, including marketing, advertising, use or construction of temporary or permanent structures, the negotiation of compensation with the customer, or the solicitation or receipt of money or other compensation.



Waterlemon Cay, Leinster Bay

- The services provided must not conflict with the preferential rights provided under any concessions contract.
- The activity must provide necessary and appropriate visitor services.
- The operator must have experience, expertise, and financial capability to provide the type of commercial service proposed.

Authorized CUAs

In all, approximately 100 CUAs will be authorized as indicated in the table on page 19. The number of CUAs to be authorized for certain types of uses are established either at current levels or increased to allow a moderate amount of market growth. Additional restrictions on available venues and capacity limitations are detailed under *Group Venues*. Other new incidental commercial uses could be considered per the process detailed under *Commercial Services Evaluation Process*.

Water-Based Activities

DAY USE CREWED EXCURSIONS

For day use excursions by both sailboats and motor vessels, CUAs will be issued based upon vessel size. Included in the category of day use excursions are crewed sailboats and powerboats that transport guests on a regular basis. Any business advertising crewed excursions to the national park is required to obtain a CUA. Excluded are bareboat (non-crewed) rental or charter vessels or term charter vessels. Unlike the crewed day excursions, the focus of these businesses is on individual trips on an unscheduled basis where VINP is an incidental, rather than a scheduled, stop. Similar to rental cars, the specific itinerary of rental boats is not under the control of the rental company. As long as they are operated by the renter (versus crewed), they are considered a private vessel and not subject to permit.

A lifeguard surveys the waters of Trunk Bay



For *vessels transporting up to 12 passengers*, there is no limitation on the number of CUAs available. The category of 1–6 passenger vessels used in the Draft Plan/EA has been revised to “up to 12 passengers”, reflecting the intent of the U.S. Coast Guard to institute a limited inspection program that would allow qualifying vessels to increase their certified capacity from 6 to up to 12 passengers. There will be an annual review to determine the need for limitations for this category of vessels.

Limitations on the number of CUAs available to *vessels transporting more than 12 passengers* are instituted to ensure both the protection of sensitive marine resources and the quality of the visitor experience. Vessels of this size, particularly the 49-passenger vessels, discharge large numbers of visitors at one time into reef areas and onto beaches, affecting the quality of the visitor experience both for their guests and other users. When several of these larger vessels access the same area at the same time, there is the potential for overcrowding and attendant resource and visitor experience impacts. The number of CUAs available is based upon vessel size, with fourteen (14) CUAs available for 12–24 passenger vessels and sixteen (16) CUAs for 25–50 passenger vessels. These limitations are based upon the numbers of vessels of these sizes currently authorized to operate within park waters.

For *vessels transporting more than 50 passengers*, one (1) CUA is available for a vessel no greater than 110 feet LOA for the purpose of transporting cruise ship visitors to Trunk Bay. This vessel is restricted to Trunk Bay and assigned a reserved mooring. Other commercial vessels are permitted to access Trunk Bay but are required to use an unreserved, public mooring.

One (1) CUA is available for *Henley Cay day use*, subject to a variety of use limitations and environmental restrictions. Given the small beach area and sensitive seabird nesting habitat in the northern part of the cay, the number and type of commercial uses are strictly limited. An annual review of impacts will be conducted to determine the appropriateness of continuing this use.

DAY USE RENTAL OPERATIONS

While sailboat and powerboat rental companies are not subject to permit for the rental of vessels for operation by individuals, they are required to obtain CUAs for their day use crewed excursions. Up to eight (8) CUAs are available to accommodate day use crewed excursions by sailboat and powerboat rental companies. The CUAs will authorize use of park waters by all vessels associated with each authorized operation, rather than permitting individual vessels.

SCUBA OPERATIONS

Up to six (6) CUAs are available to accommodate existing authorized operations and to provide for market growth. Use of SCUBA moorings is required on the south shore and, if installed, at Mary's Creek.

GUIDED KAYAK EXCURSION OPERATIONS

There is no limit on the number of operations authorized. However, a review to determine whether any limits are needed will be conducted annually beginning in 2002. A minimum of one guide for every eight (8) kayaks is required.

WATER TAXI OPERATIONS

Currently, only one water taxi service is authorized within park waters. To accommodate both market growth and competition, two (2) CUAs are available.

SWIMMING/SNORKELING INSTRUCTION

Two (2) CUAs are available for swimming/snorkeling instruction at park beaches (other than Trunk Bay, where concessionaire-provided services would be required). Swimming/snorkeling instruction has been requested by a number of tour operators and school groups.

Land-Based Activities

LAND-BASED TOUR OPERATIONS

Historically, tour operations have been authorized as a "package" permit that included both transportation via vessel to the park from St. Thomas or other destinations and transportation into the park through a local transportation company (e.g., safari bus drivers under contract to Transportation Services of St. John, Kitch's Tours, or other companies). Excluded are guided kayak, hiking and bicycle

Authorized CUAs Table

Type	Limitations/Use Restrictions ¹
WATER-BASED ACTIVITIES	
Day use excursions (crewed)²	
1–12 passenger vessels	No limit. Annual review.
12–24 passenger vessels	14 CUAs
25–50 passenger vessels	16 CUAs
50+ passenger vessels	1 CUA ³
Henley Cay use	1 CUA. Subject to site-specific use restrictions.
Day use rental operations	8 CUAs
SCUBA operations	6 CUAs. Maximum of 18 passengers per vessel.
Guided kayak excursion operations	No limit. Annual review. Maximum of 8 kayaks per guide.
Water taxi service	2 CUAs
Swimming/snorkeling instruction	2 CUAs
LAND-BASED ACTIVITIES	
Land-based tour operations	Limited to designated venues and subject to PAOT limitations and to transportation service requirements.
5 or more vehicles	6 CUAs.
Less than 5 vehicles	12 CUAs
Wedding/Event organizers	8 CUAs. Site approval required for groups in excess of 10 persons.
Hiking outfitter guide operations	4 CUAs. Maximum of 30 persons per excursion. Limited to authorized trails.
Bicycle outfitter guide operations	2 CUAs. Maximum of 10 persons per excursion. Limited to authorized routes.

¹Only key limitations and restrictions are cited; interested parties should also consult CFR and the Superintendent's Compendium for additional regulations.

²Vessel capacities are based on the number of passengers to be transported within park waters; Coast Guard-approved capacities could be greater.

³Cruise ship passenger transport vessel, access limited to Trunk Bay.

excursions, which may be provided in conjunction with tour services; however, such services must be specifically authorized through separate CUAs.

While the major tour companies operate with the requisite authorization, resort tours, taxi tours and individual tour operators (who typically drive under contract to the major tour operators but who “moonlight” their own tours) have not been subject to permit. Legally, any business or individual transporting visitors for hire within the boundaries of the National Park is required to obtain the appropriate authorization.

As further discussed under *Transportation Services*, to ensure that all tour operations are operating legally and equitably, beginning January 1, 2002, the transport of visitors for hire within the park will require a CUA separate from or in addition to a tour operator CUA. Rental cars used for personal transport and public buses operating on a fixed route with a published schedule are exempt. Up to eighteen (18) CUAs will be available to tour operators, taxi associations, other transportation companies, and individual operators. Of these, six (6) CUAs will be available to companies or associations operating more than five (5) vehicles. Twelve (12) CUAs will be available to companies, associations or individual operators with less than five (5) vehicles. The limitations on the number of available CUAs are intended to accommodate existing service providers providing tour services within the park, as well as to ensure both the protection of sensitive resources and the quality of the visitor experience. They also recognize infrastructure capacity limitations for beach facilities (e.g., restrooms and showers), on roads, and at staging areas, parking areas, and overlooks.

WEDDING/EVENT ORGANIZERS

Up to eight (8) CUAs are available to wedding/event organizers to accom-



Guided hiking excursion, Lind Point Trail

modate current permittees, those businesses currently operating without authorization, and some market growth. Site approval will continue to be required for groups in excess of 10 persons.

HIKING OUTFITTER GUIDE OPERATIONS

In recognition of the increasing demand for guided hiking trips, up to four (4) CUAs are available for individual guide businesses. Access to specific trails will be specified in the CUAs, based upon consultation with the park's Interpretation and Resource Management divisions. To ensure a quality visitor experience and to reduce potential conflicts with other trail users, a maximum of 30 persons per outing is instituted. It is NPS's intent to limit guided hiking services on the Reef Bay Trail to those provided by the park's Interpretive Division.

BICYCLE OUTFITTER GUIDE OPERATIONS

Due to concerns regarding safety and resource protection, the number

of CUAs available for commercial bicycle outfitter guide operations is limited to two (2), subject to the following conditions:

- Routes must be specifically approved as part of CUAs;
- There is a limit of two outings per day per permittee;
- The number of participants on any excursion is limited to 8 riders and 2 guides; and
- The appropriateness of this use will be evaluated annually and it may be curtailed at the discretion of the Superintendent if safety problems or user conflicts are documented.

Implementation

Limitations on the number of available CUAs take effect upon Plan adoption except as specifically noted. Restrictions associated with specific types of commercial uses will be instituted beginning January 1, 2002 as part of the Year 2002 CUA permitting process.

Over the next several months, VINP will be working with sailboat and powerboat rental companies to develop a CUA program for their day use crewed excursions that reflects differing numbers of boats and varying amounts of park usage. This program will be instituted beginning January 1, 2002 as part of the Year 2002 CUA permitting process.

Beginning in 2002, annual reviews will be conducted:

- For vessels transporting up to 12 passengers, to determine the need to institute limitations on the number of available CUAs and inclusion in the calculation of the maximum capacity at one time at areas open to commercial vessels (see Group Venues below);
- For Henley Cay day use, to deter-

mine the appropriateness of continuing this use based upon compliance with environmental restrictions and impacts upon sensitive seabird nesting habitat;

- For guided kayak excursion operations, to determine the need for limitations based upon documented safety problems or conflicts with other park uses; and
- For bicycle outfitter guide operations, to determine the appropriateness of this use based upon documented safety problems or conflicts with other park uses. ■

Group Venues

The use of VINP has grown dramatically over the last two decades and is expected to continue to increase. While all types of uses are expected to increase, growth in cruise ship passenger visitation to the park is of particular note. The park is experiencing a demand for new and expanded visitor venues to accommodate the growth in visitation and an increase in the number and size of commercial tour groups. There is also an increasing demand for venues for large groups (120-150 persons) emanating from hotels and transported via multiple multi-passenger commercial vessels to park beaches.

However, allowing unlimited visitor use, particularly large group use, can destroy the very qualities of the national park that attracts visitors and residents alike. Consequently, to protect the park's water and land resources and to ensure a quality visitor experience, specific capacities are established for the amount of visitor activity occurring at any one time in specific areas of the park. These capacities acknowledge the strong relationship among the number of visitors, timing of visitation (pulses), the quality of the visitor experience, and impacts to the park's resources. They also recognize the need to be able to accommodate visitors to the park without undue focus on any specific audience, most notably cruise ship passengers

Commercial Group Use of Francis Bay Beach

The termination of commercial

group use of Francis Bay beach initiated as of January 2001 will remain in effect due to sensitive resource values (concentration of threatened and endangered species) and a lack of supporting infrastructure. Gating of the road to the small parking area at Francis Bay may occur if needed to limit access during sea turtle and brown pelican nesting seasons.

Land-Based Groups

AVAILABLE VENUES

Trunk Bay, Cinnamon Bay Campground, and Annaberg Historic Site are the only designated venues where commercial land-based tour groups of more than 12 persons can be discharged from tour vehicles for swimming, snorkeling or site-seeing. Authorized tour excursion vehicles may stop at scenic vistas, historic sites, and other key locations. However, discharging passengers to these sites, e.g.

ruins at Cinnamon Bay, is prohibited unless specifically authorized.

In recognition of current uses, commercial groups of 12 or fewer persons may access locations other than Trunk Bay, Cinnamon Campground or Annaberg, e.g. Salt Pond Bay, with specific authorization. Such authorization will generally be limited to regularly scheduled tours associated with resorts, e.g., Maho Bay Camps' weekly excursion to Salt Pond Bay.

The approved Plan closed Cinnamon Bay Campground to commercial tour group access. On consultation with the concessionaire and tour operators, that decision has been revised on a conditional basis. A maximum of 75 persons at one time from all tour groups combined is authorized in the restaurant area (includes store, restrooms and reception area). Campground facilities (including restrooms within the campground area) and



Cultural demonstrations, Annaberg Plantation



Annaberg Plantation

Cinnamon Bay beach area are closed to commercial tour groups due to infrastructure limitations (i.e., restrooms and parking) and to preserve the campground ambience and reduce conflicts with campground and local users. This campground/ beach area restriction will be closely monitored; if violated, access to Cinnamon Bay Campground may be closed in its entirety at the discretion of the Superintendent. In addition, an annual review will be conducted to determine whether to continue to authorize this venue.

SPECIAL EVENTS

Special commercial tour group events may be authorized via special use permit.

CAPACITY LIMITATIONS

Capacity limitations for land-based commercial tour groups are as follows:

- At Trunk Bay, a maximum of 350 persons-at-one-time (PAOT) from all tour groups combined is established. NPS will work with tour providers to develop a sched-

ule that equitably accommodates all authorized providers based upon up to 4 "pulses" of cruise ship visitors per day. If agreement cannot be reached among the parties, NPS may establish capacity limitations for each CUA.

- At Cinnamon Bay, a maximum of 75 PAOT from all tour groups combined is established, subject to the restrictions described above.
- At Annaberg Historic Site, no capacity limitation is established at this time. A review to determine the need for limitations will be conducted on a bi-annual basis beginning two years after Plan adoption.

Water-Based Groups

AVAILABLE VENUES

Except for the areas identified below, all areas within park waters are open to group access from commercial vessels, except that any area may be closed for protection of federally-listed species or for other appropriate reasons. Due to sensitive natural resources and/or insufficient infrastructure, the following areas are closed to group access from any type of commercial vessel:

- That portion of Hawksnest Bay off the NPS beach; other portions of the bay to the west (Caneel/ Hawksnest area) and to the east (Gibney/ Oppenheimer beach area) would be open;
- Denis Bay;
- Jumbie Bay;
- Francis Bay beach; Francis Bay outside the boat exclusion area would be open;
- Mary's Creek except for authorized SCUBA operations and hurricane mooring;
- Brown Bay;

- NPS portion of Haulover Bay, except for authorized SCUBA operations; and
- All bays on the south shore without moorings, including Europa Bay, Grootpan Bay, Kiddel Bay and Drunk Bay.

SPECIAL EVENTS

Special commercial tour group events may be authorized via SUP. Any commercial group exceeding 75 persons in total that access park waters in one or more vessels, e.g., corporate group day sail excursions, is required to use Trunk Bay, unless specific authorization has been obtained to access another location.

TRUNK BAY FEE

A per passenger fee is required for all passengers discharged by commercial vessels at Trunk Bay (for either swimming/snorkeling or beach access).

CAPACITY LIMITATIONS

Capacity limitations for water-based commercial tour groups are as follows:

- Beginning January 1, 2002, except for one cruise ship visitor transport vessel assigned to Trunk Bay, a permit capacity of 50 passengers is instituted for individual commercial vessels providing visitor services within Park waters. (This capacity limitation applies only to the number of passengers to be transported within Park waters; Coast Guard-approved capacity could be greater.) This limitation is based upon the severity of potential resource damage associated with larger vessels, a lack of supportive infrastructure, and conflicts between the nature of such use and a national park setting and values. Vessels that are currently authorized at a greater capacity will be required to reduce the size of their tour groups.

- To ensure both the protection of sensitive marine resources and the quality of the visitor experience, a capacity limitation of 175 PAOT at any one time at any bay or beach area is established for commercial vessels transporting more than 12 passengers. To ensure access by smaller commercial vessels, the number of 25–50 passenger vessels at any area at one time is limited to five (5) vessels, irrespective of the number of passengers they are actually transporting. These limitations exclude vessels transporting up to 12 passengers, SCUBA vessels, rental powerboats and sailboats, and vessels associated with water sports concessions.
- Commercial operators are expected to voluntarily develop a schedule that equitably accommodates all authorized vessels based upon several “pulses” of visitation per day. If a voluntary system proves inoperable, NPS may institute a lottery system or other allocation mechanism to resolve overcrowding at a specific site.
- To protect against overcrowding at

any dive site, the number of commercial SCUBA vessels at any one time is limited to three, with a maximum of 18 passengers each (or 54 PAOT).

Caneel Bay Resort Exemption

Caneel Bay, Inc., as leaseholder of lands within the park including the upland portions of Honeymoon Beach, may use its lands for commercial group events of any size accessing its lands by vehicle or trail. For events accessing its lands by vessel, the above limitations on PAOT and number of vessels at one time will apply unless specifically waived by the Superintendent.

Implementation

With the exception of capacity limitations, restrictions on commercial group venues became effective upon Plan adoption. Capacity limitations will be implemented after consultation with land-based tour operators and day sail excursion operators to develop allocation formulas equitable to all authorized operators, but not later than January 1, 2002.



Trunk Bay Underwater Trail

The effects of allowing commercial groups of 12 or fewer persons to access locations other than Trunk Bay, Cinnamon Bay Campground, and Annaberg will be routinely monitored and may be curtailed or modified if adverse impacts to natural and cultural resources or conflicts with other visitor uses occur. ■

Transportation Services

The majority of visitors to VINP arrive at park bays and beaches after having been transported from cruise ships or from St. Thomas and St. John resorts by either commercial vessel or commercial vehicle. Cruise ship passengers access St. John either via tour-operated owned vessels (e.g., *Island Girl* owned by Cruise Ship Excursions) or passenger ferries contracted through Transportation Services of St. John or Varlack Ventures. On peak days, there are typically three “pulses” of cruise ship passenger visitation. Each pulse of visitors is met by a fleet of contracted “safari buses”

that transport the visitors to and from the park.

Scenic tours to Trunk Bay and Annaberg and “Island” tours are popular visitor activities and tours are an important source of income for local taxi and tour operators. Taxis circulate regularly but few are on fixed schedules. There are approximately 132 licensed taxi drivers on St. John, with about 120 vehicles owned by medallion holders licensed by the Virgin Islands Taxicab Division for organized group transport.

Improvements in transportation

services can best be effected through provisions in concession contracts and commercial use authorizations. Consequently, CUA operating conditions for land-based tour operations hold the tour operators responsible for the compliance of their contracted taxi and safari bus operators with regulations and for safe driver behavior.

In assessing what types of commercial activities are necessary and appropriate, the NPS needs to identify mechanisms to ensure that the increasing numbers of visitors do not diminish the overall quality of the visitor experi-



"Safari" bus at overlook

ence. Transportation services are a key element of that experience. This Plan seeks to improve both the provision of those services and the economic health of the service providers to ensure that the visitor receives the highest quality service available. It is also the park's goal to ensure that adequate services are available to accommodate appropriate levels of visitation.

Authorization of Tour Operations

In the Draft Plan, it was proposed that all land-based commercial transportation services within the park be provided by a single service provider through a concession contract or other appropriate authorization. Under that scenario, all land-based tour operators would have been required to utilize the services provided by this concessionaire/contractor. That proposal has been dropped due to the difficulty of establishing a new umbrella association that would include all vehicles currently providing for-hire tour services within the park.

As discussed above under *Commercial Use Authorizations*, beginning

January 1, 2002, the following program will be instituted:

- All businesses and individuals providing tour services for hire within the park are required to obtain a CUA. This requirement applies to operators providing organized tour services versus delivering a taxi fare to any one of a multitude of destinations. Resort, hotel and taxi association tour services are subject to this requirement. Exempted are regular taxi services engaged in transporting fares from point a to point b and not providing "tours", rental cars used for personal transport, and public buses operating on a fixed route with a published schedule.
- CUAs will be available to any qualified service provider, including transportation companies (e.g., Transportation Services of St. John and Varlack Ventures), the St. John and V.I. taxi associations, resorts (e.g., Caneel, Westin and Maho Bay Camps for their contracted drivers), and individual operators who provide guided tours either full or part-time.
- This requirement applies to the owners of vehicles used for hire, rather than to tour companies who contract for tour drivers. For example, Cruise Ship Excursions is required to obtain a CUA to operate tours within the park. Cruise Ship Excursions, in turn, contracts with Kitch's Tours and other companies to transport its customers. These transport companies will also be required to obtain CUAs that will permit them to operate tours for Cruise Ship Excursions or other tour companies, as well as their own tours independent of those offered through tour companies. All drivers in the employ of a transport company, e.g., Kitch's Tours, will be covered by the company's CUA. If these drivers also offer their own private tours, they will be required to obtain separate CUAs for that service.
- Land-based tour operators are required to utilize only services provided by CUA holders.
- Performance standards will be established and could include requirements for dispatch services at Cruz Bay and Trunk Bay, uniforms, training, and a standardized presentation for island tours approved by NPS.
- All vehicles owned, contracted by or otherwise used by an authorized operator shall be operated at all times in a safe and legal manner. For example, stopping in the roadway rather than at viewpoints and parking other than in designated areas are prohibited. The authorized operator will be held responsible for compliance of drivers under its employ.
- For safety purposes (narrow roadways, winding/curving roads, etc.), all tour vehicles for hire operating within the park are limited to a passenger capacity of 26 persons.

Red Hook Dock Use to Transport Visitors

The termination of commercial vessel use of the NPS dock at Red Hook, except through specific authori-

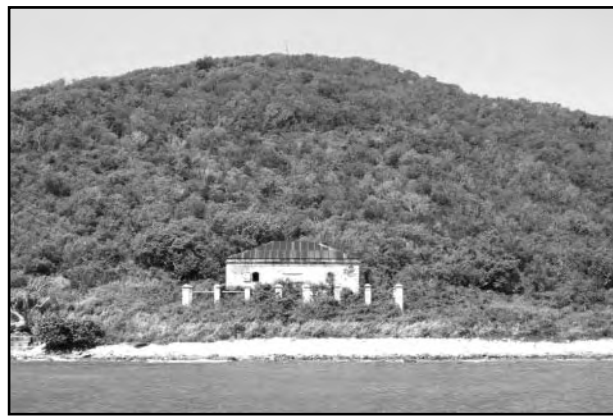
zation by the Superintendent, initiated as of January 1, 2001, remains in effect due to safety reasons (potential structural instability and lack of on-site security) until such time as a structural engineering analysis and necessary

repairs to bring the facility up to engineering standards can be completed. As described under *Concessions*, a concession contract may be utilized for operation of the dock. ■

Hassel Island

The Draft Plan proposed that a non-profit organization be selected to assist the NPS in securing funding to develop and implement visitor service programs at Hassel Island. Through the Recreational Fee Demonstration Program, a recreational use fee would be assessed to help upgrade and restore facilities and provide historic and cultural resource interpretation programs. Alternatively, it proposed that a non-profit organization be selected as a concessionaire to finance and manage construction of dock facilities and provision of visitor services identified in the GMP. In either case, the nature of the commercial services to be provided and associated permitting requirements would be evaluated prior to the completion of the first phase of visitor services.

Before any decision can be made as to the nature of commercial services



*Fortifications,
Hassel Island*

provided at Hassel Island and the best mechanism(s) through which to provide them (e.g., Recreation Fee Demonstration Program, concession, non-profit organization, for-profit business, public/private partnership, etc.), additional planning is needed to identify strategies and priorities for cleanup, restoration and improvements; appropriate and needed visitor

services; financing mechanisms; and management options. VINP intends to initiate an update of its 1983 General Management Plan (GMP) in early 2002. Management direction for Hassel Island will be a key issue addressed in the GMP update. Consequently, no decision is made in this Plan regarding commercial services at Hassel Island. ■

Plan Review and Amendment

Certain aspects of the management direction established by this Plan took effect immediately upon its final approval in July 2001. Other elements will be implemented over time as the necessary regulations and procedures are developed and as budget and personnel limitations permit. NPS is currently developing regulations for CUAs based

upon the 1998 National Parks Concessions Management Improvement Act. This Plan may need to be amended to comply with those regulations when adopted.

The management direction established by this Plan is not intended to be static. The services authorized by this Plan will be periodically reviewed and updated as necessary to address

changes in visitor needs, site conditions, management goals, etc. New types of commercial services not addressed in this plan or additional levels of commercial services can be considered for authorization based upon appropriate NEPA analysis and public process to determine whether they are "necessary and appropriate" and in conformance with applicable management direction. ■

Application Information



Tony Bonanno

*Cruise ship passengers disembarking
in Cruz Bay Creek*

“One may lack words to express the impact of beauty, but no one who has felt it remains untouched. It is renewal, enlargement, intensification. The parks preserve it permanently in the inheritance of the American citizen.”

– BERNARD DeVOTO
Journalist/Historian/Novelist

New Commercial Services Evaluation Process

There are four procedural steps that Virgin Islands National Park will use in reviewing and analyzing proposals for *new or expanded* commercial operations within the park. These procedures are designed to provide a consistent and fair evaluation of all requests. Primary in this evaluation process is the focus on effects the proposed activities will have on park resources and non-commercial visitor activities.

Commercial use authorizations (CUAs) that are being renewed or applications for new CUAs that are identical or nearly so to an approved activity do not go through the evaluation process. However, if there are notable changes to an activity previously approved in the Commercial Services Plan, or if some aspects of a proposed activity have not previously been evaluated, some level of additional review and NEPA compliance may be required.

The four steps in the evaluation process are:

1. Initial Screening

A cursory review by park managers will take place upon receipt of any proposal, and a determination made on whether the application is for a commercial service or a special park use. A special park use is a specific activity that uses NPS land or facilities, generally for one-time events that do not involve commercial services. If determined to be a special park use, a Special Use Permit application will be forwarded to the applicant.

If the request is for a commercial service (except requests for a concession authorization), this Commercial Services Plan will be referenced to determine if the activity has been identified as appropriate in the park. If listed as an appropriate activity, an application form and associated documents will be sent to the applicant. If the activity is



Trunk Bay

listed as an inappropriate use, the applicant would be notified and the reason for denying the request explained.

2. Application Evaluation

After the application, required documentation and application fees are submitted, a multi-disciplinary evaluation process will begin. An evaluation form will be used to ensure a consistent review of all activities and applications. The criteria used in the evaluation include legal, recreation, resource, management, and other components. These criteria are derived from the park purpose, significance, and desired future conditions.

3. Decision

Upon evaluation of the completed application and supporting documents, a decision will be made as to whether or not to authorize the activity. The decision to approve or reject a proposal will be based on the evaluation process, with the final determination made by the Park Superintendent. If additional environmental clearance is required, costs for compliance with the National Environmental Policy Act (NEPA) will be borne by the applicant.

4. Applicant Notification

Commercial Use Authorizations: An

acceptance letter and completed commercial use authorization will be sent to successful applicants for signature. The application process will be completed when the applicant returns the signed permit, submits all required documentation, shows proof of liability insurance with the National Park Service listed as an additional insured party, and remits the required fees. Applicants denied permits will receive written notification. Such responses will identify specific reasons for the denial.

Concession Contracts: Concession contracts will be issued for concession-type activities that are determined to be necessary and appropriate. Concession contracts are only issued in accord with the Commercial Services Plan and NPS regulations and policies and will typically be subject to a competitive bidding process.

Evaluation Criteria

All proposed new commercial activities at Virgin Islands National Park will be evaluated based upon the following criteria to determine if they are appropriate and necessary.

LEGAL / POLICY MANDATES

Federal, state, and local laws, rules, codes, and regulations will be

reviewed to determine if the activity will comply with law and NPS policies related to that activity. Any violation or conflict with a law or regulation will result in rejection of the proposal or application.

- **Land Use Zoning**

The General Management Plan divided the park into three land use zones with subzones. Each of these zones has criteria and guidelines that define the land use activities allowed. These guidelines are used to determine if a proposed action is consistent with authorized uses in the zone, if it will be consistent with development constraints, and if it will complement the management strategy for the particular zone(s) involved.

- **Park Mission**

If a proposed activity is in conflict with the stated mission of the park as outlined in the General Management Plan and other documents it will not be authorized unless changes can be made to mitigate the conflict.

- **Concession Contracts**

The evaluation will be used to identify proposals that may conflict with an authorized service already being provided by a concessionaire under a concession contract.

VISITOR USE / EXPERIENCE

These criteria help with the measurement of impacts on the visitor experience and ensure compliance with NPS goals and objectives for suitable visitor activities.

- **Public Safety**

Promoting safety is a very high priority, and all proposals should incorporate safety measures to assure safe visitor experiences.

- **Education**

Education is a high priority. CUA proposals and concession bids should address the educational activities the operator is proposing to provide. Staff training, to assure quality educational services, will be required.



Cruise ship

- **Use Limitations**

Some locations and activities in VINP are extremely popular, resulting in conflicts among users and localized crowding and congestion. Use limits (limitations on the number of available CUAs, persons-at-one-time capacity limitations, and area closures) are established by the Commercial Services Plan to protect both visitor experiences and park resources. Authorizations of new commercial activities will be denied if they would exceed or conflict with these use limitations.

RESOURCES

- **Cultural Resources**

The presence of numerous cultural resources lends significance to VINP and its management for the public trust. There are cultural resources in all of the designated zones; therefore, all proposed commercial activities will be evaluated for potential impacts on these fragile, non-renewable resources.

- **Natural Resources**

Current resource surveys will be consulted, or a survey will be conducted as part of any proposal review when needed. The information will assist in the determination of potential effects of the proposed activity on terrestrial and/or marine resources.

- **Aesthetic Resources**

Impacts on aesthetic resources can have a significant impact on the experiences of commercial clients and other visitors. Such resources include quiet, solitude, scenery, space, a sense of his-

tory, sounds of nature, and clear night skies. Commercial activity requests will be evaluated for impacts on aesthetic resources. If such impacts appear likely, the proposal will be adjusted to mitigate those impacts or not approved.

MANAGEMENT ISSUES

The NPS has responsibility for assuring commercial services are of high quality and appropriate to the park area. Because of this responsibility, commercial activities of all types require National Park Service oversight. Time and effort are required to issue various authorizations, monitor activities for compliance with permit restrictions, collect fees, assign and maintain support facilities, etc. These management activities require the attention and commitment of park staff; the expense of these activities will be borne by commercial operators.

- **Land Requirements**

Facilities, including all developments, are not dedicated by commercial use authorizations. They are, however, typically authorized for exclusive use by concession contracts and special use permits. If facilities are needed for the business to operate, a determination will be made about which type of concessions authorization will be applicable. Final approval will depend on an assessment of benefits to the park and appropriateness of the proposed activity.

- **Staffing Needs**

The process of monitoring individual commercial use authorizations and concession contracts will be examined to determine NPS staff requirements. The amount of staff time required is often dictated by the complexity of the operation. To assess the amount of staff time for processing an application, the approval/rejection and evaluation process, and subsequent authorization and monitoring requirements, the following definitions of complexity will apply:

1. **High** — Successful monitoring of the activity will include administra-

tive review annually, and compliance and onsite contact with the operation on a biweekly to monthly basis.

2. **Medium** — Successful monitoring will include administrative, compliance, and onsite contact on a monthly to quarterly basis.

3. **Low** — Successful monitoring will include administrative review annually, and compliance and onsite contact with the operation on a quarterly to annual basis.

• Management Plans

Land management plans will be reviewed to assist in the determination of whether an operation will be allowed in a particular area and under what conditions. Examples of such plans include the *General Management Plan*, this *Commercial Services Plan*, *Vessel Management Plan*, *Resource Management*

Plan, *Land Protection Plan*, and other plans or studies.

• Support Facilities / Services

Many commercial activities require support facilities and/or services, such as parking spaces, restrooms, changing rooms, and picnic areas. Such support activities have an impact on park budgets, staff, and facilities. When the demand for commercial services exceeds the supply of support facilities and services, the proposed commercial activity will be modified or denied.

OTHER ISSUES

Local situations and conditions that are not anticipated will be identified on a case-by-case basis. Among issues to be considered:

• Effects on Neighbors

The National Park Service will accomplish its mission at VINP partly

through partnerships with the Territorial Government, agencies, organizations, and individuals. Activities and proposals will be evaluated not only for their effects on the park but for effects on neighbors, especially when issues are the subject of cooperative arrangements.

• New Activities

Proposals for activities not currently available at VINP could create new and different effects on resources and visitor experiences. New activities will be critically evaluated.

• Cumulative Effects

Activities and proposals will be evaluated to determine if they could contribute to adverse cumulative effects when added to other commercial services in the U.S. Virgin Islands. ■

Required Documentation — Commercial Use Authorizations

A variety of current certifications are required to obtain a Commercial Use Authorization (also known as an Incidental Business Permit). The table below identifies the documentation required for various types of commercial uses, as well as selected key regulations. When applying for CUAs for more than one vessel or more than one commercial use, required documents must be submitted for each.

Required documentation in the table is keyed to the following items:

1. **Business License** — A current Virgin Islands Business License or receipt from application for business license is required. Call the Territory's Licensing and Consumer Affairs office at 809-774-3130 for information.

2. **Captain's License(s)** — If you are seeking authorization to con-

duct any type of water-based activity, a current copy of your Captain's License and that of all other operators of the vessel must be submitted.

3. **Certificate of Inspection** — If the vessel(s) accommodates over six (6) passengers, submit a current Certificate of Inspection for the vessel(s).

4. **Certificate of Liability Insurance** — Please submit a current copy of a Certificate of Insurance for the amount identified in the matrix below. Please note that the amount of required insurance may vary from this schedule based upon factors such as the number of visitors served and the number of vessels under permit; consult the Concessions Office if you have questions about the appropriate insurance amount. Insurance coverage must identify the National Park

Service as an additional insured party on the policy.

5. **CPR/First Aid Certificates** — One staff person certified in CPR is required for every 50 persons in both water-based and land-based groups. At least one person certified in CPR and lifesaving skills is required for any SCUBA or kayaking outing. At least one person certified in CPR skills is required for any guided hiking or guided bicycling outing. Certifications must be submitted for each staff person and must be kept current with changes in personnel.

Fees are based on recovery of National Park Service application, administration and monitoring costs and are re-evaluated on a periodic basis.

TYPE OF USE	KEY REGULATIONS	REQUIRED DOCUMENTATION	REQUIRED INSURANCE
1–6 passenger vessel for day use excursions	<ul style="list-style-type: none"> • Serving alcoholic beverages before snorkeling or swimming is prohibited. • Certain areas closed to group access due to sensitive natural resources and/or insufficient infrastructure. 	1, 2, 3, 4, 5	\$500,000
7–24 passenger vessel for day use excursions	<ul style="list-style-type: none"> • Serving alcoholic beverages before snorkeling or swimming is prohibited. • Certain areas closed to group access due to sensitive natural resources and/or insufficient infrastructure. 	1, 2, 3, 4, 5	\$750,000
25–49 passenger vessel for day use excursions	<ul style="list-style-type: none"> • Serving alcoholic beverages before snorkeling or swimming is prohibited. • Certain areas closed to group access due to sensitive natural resources and/or insufficient infrastructure. • One staff person certified in CPR and lifesaving skills for every 50 persons. 	1, 2, 3, 4, 5	\$1.0 million
50+ passenger vessel for day use excursions	<ul style="list-style-type: none"> • Serving alcoholic beverages before snorkeling or swimming is prohibited. • Certain areas closed to group access due to sensitive natural resources and/or insufficient infrastructure. • One staff person certified in CPR and lifesaving skills for every 50 persons. 	1, 2, 3, 4, 5	\$2.0 million
Water taxis		1, 2, 3, 4	\$1 million
Kayak excursions	<ul style="list-style-type: none"> • Serving alcoholic beverages before snorkeling or swimming is prohibited. • At least one staff person certified in CPR and lifesaving skills is required for any outing. 	1, 4, 5	\$750,000
Land-based tour operations — small tour company (<100 visitors/day)	<ul style="list-style-type: none"> • Trunk Bay, Cinnamon Bay Campground restaurant area, and Annaberg are the only authorized venues for the discharge of passengers. • One staff person certified in CPR and lifesaving skills for every 50 persons. 	1, 4, 5	\$500,000–\$1 million
Land-based tour operations — large tour company (>100 visitors/day)	<ul style="list-style-type: none"> • As above. 	1, 4, 5	\$1–3 million depending upon size of operation
Land-based transportation provider — associations and transportation companies	<ul style="list-style-type: none"> • As above. 	1, 4	As required by Territory
Wedding/event organizers	<ul style="list-style-type: none"> • Site approval, via Special use Permit, is required for groups in excess of 10 persons. 	1, 4	\$100,000
Guided hiking outfitters	<ul style="list-style-type: none"> • Specific trail routes must be approved. • Maximum of 30 persons per outing. • At least one staff person certified in CPR is required for every outing. 	1, 4, 5	\$300,000
Guided bike tour outfitters	<ul style="list-style-type: none"> • Specific trail routes must be approved. • Maximum of 10 persons per outing. • At least one staff person certified in CPR is required for every outing. 	1, 4, 5	\$1.0 million

Standard Operating Conditions Commercial Use Authorizations

Operating conditions are attached to and made a part of the Commercial Use Authorization for commercial activities in the Virgin Islands National Park. The Superintendent may amend these conditions during the operating year. Failure to comply with National Park Service regulations, policies, and conditions shall constitute cause for immediate suspension and/or revocation of the commercial use authorization.

Common Conditions

Compliance: Permittee, employees, and visitors must comply with regulations for the protection and management of the natural, historic and physical resources of the Virgin Islands National Park as contained in the Title 36 of the Code of Federal Regulations, the Superintendent's Compendium, and U.S. Virgin Islands Territorial regulations. For example, permittee, employees and visitors will comply with Virgin Islands anti-nudity laws.

Insurance: The permittee must carry insurance against public liability, employee liability, and other hazards. Minimum amounts of coverage will be established in accordance the NPS-48, Concessions Guidelines, and may vary depending upon the type of activities occurring within the Park.

Reporting Incidents: All incidents that result in damage to natural resources, property or personal injury or death of any person must be reported to the Superintendent or designated representative within 24 hours of the incident. Filing this report does not satisfy applicable Territorial accident reporting requirements.

Monthly Reporting: Permittee will provide a monthly report indicat-



Commercial snorkeling operator, Honeymoon Beach

ing the date, number of visitors guided, and locations visited for the preceding month of operation. Reports must be received no later than the 28th day of the following month. Send reports to Concessions Office, VINP, 1300 Cruz Bay Creek, St. John, VI 00830.

Prohibited Activities: To protect park resources and to ensure a quality visitor experience, the following activities are prohibited within Virgin Islands National Park. Additional prohibitions are contained in Title 36, Code of Federal Regulations and in the Superintendent's Compendium.

- Commercial advertising within park boundaries, including banner advertising on vessels.
- Commercial vessel use of Denis Bay, Jumbie Bay, Francis Bay beach (open outside the boat exclusion area), Mary's Creek (except for authorized SCUBA operations and hurricane mooring), Brown Bay, Haulover Bay, and all south shore bays without moorings.
- Commercial land-based tour group use of locations other than Trunk Bay, Cinnamon Bay Campground (restaurant area only) and Annaberg Historic Site without specific authorization. Francis Bay beach is closed to all group use.
- Use of the National Park dock at Red Hook is by specific authorization only.
- Commercial vessels over 125 feet.
- Spear fishing or possession of a spear gun.
- Sale or use of balloons.
- Waterskiing, towing boogie-boards, parasailing and use of personal watercraft (jet-skis, wave runners, etc.).
- Glass bottles or containers on park beaches.

- Dumping trash, garbage, refuse and the discharge of sewage of any kind.
- Loud recorded or live music as described in 36 CFR 2.12.
- Disturbing or removing historic structures or their contents, including shipwrecks.
- Feeding, touching, teasing, frightening, chasing or intentionally disturbing wildlife, including fish and sea turtles.
- Damaging, breaking, or taking of any underwater growth or terrestrial vegetation.

Specific Conditions by Type of Commercial Use

COMMERCIAL VESSELS

- Any group exceeding 75 persons accessing park waters in one or more vessels must use Trunk Bay unless special authorization has been obtained to access another location.
- Permittee shall ensure that one staff member for every 50 passengers is certified in both CPR and lifesaving skills and techniques. These individuals must be capable of and available to perform first aide procedures aboard vessel, on the beach and in the water. They shall be available to monitor passengers at all times when on the beach.
- A per passenger fee is to be paid to the National Park Service for passengers discharged at Trunk Bay. Permittee is responsible for coordinating a payment program with the Recreation Fee Demonstration Program office.
- Visitors should not be allowed to snorkel or swim after consuming alcoholic beverages and should be warned of the danger associated with this behavior.
- Authorized persons may at any time stop or board a vessel to examine documents, licenses or permits relating to operation of the vessel, and to inspect such vessel to determine compliance with regulations pertaining to safety equipment and operation.
- Permittee's VINP serial numbered decal must be displayed on the port side of the vessel in a highly visible location.
- Operating a vessel in excess of 5 MPH and/or creating a wake within 100 feet of a diver's marker or swimmer is prohibited.
- Anchoring is permitted in north shore bays in sand only and where a mooring is not available. Vessels may not anchor within 200 feet of any buoy.
- No anchoring is permitted off the south shore between Cocoloba Point and Nanny Point. Vessels must use moorings provided.
- Park moorings may be used by vessels no greater than 60 in overall length.



Watersports equipment

- Rafting of boats or setting of anchors is prohibited while on a mooring.
- Vessels may not be secured in any way to any natural feature, including rocks and vegetation.

SCUBA OPERATIONS

(The following are in addition to the conditions above for vessels.)

- Permittee shall ensure that one staff member certified in both CPR and lifesaving skills and techniques is present on all SCUBA outings. These individuals must be capable of and available to perform first aide procedures aboard vessel, on the beach and in the water.
- Serving alcoholic beverages before or between dives is prohibited.

GUIDED KAYAK EXCURSIONS

(The following are in addition to the conditions above for vessels.)

- Permittee will ensure a maximum of 8 kayaks per guide.
- Permittee shall ensure that at least

one staff member on every outing is certified in both CPR and life-saving skills and techniques. This individual(s) must be capable of and available to perform first aid procedures aboard vessels, on the beach and in the water. Certified staff shall be available to monitor passengers at all times when on the beach.

LAND-BASED TOURS

- Trunk Bay, Cinnamon Bay Campground (restaurant area only), and Annaberg Historic Site are the only authorized venues for land-based commercial tour groups. Unless specific written authorization is obtained, the permittee is not authorized to discharge passengers at any other location within the National Park.
- Permittee shall ensure one staff person for every 50 passengers is certified in CPR and lifesaving skills and techniques. These individuals must be capable of and available to perform first aid procedures both on land and in the water. They shall be available to monitor passengers at all times when on the beach.
- No alcoholic beverages will be consumed on tour vehicles.
- All vehicles owned, contracted by, or otherwise used by the permittee in tour operations shall be operated at all times in a safe and legal manner. The permittee shall be held responsible for the compliance of drivers under its employ.
- Authorized persons may at any time stop or board a tour vehicle to examine documents, licenses or permits relating to operation of the vehicle, and to inspect such vehicle to determine compliance with regulations pertaining to safety equipment and operation.
- If provided, a standardized interpretive presentation approved by the National Park Service may be used by the permittee, employees and contractors.
- Permittee and employees may attend National Park service sponsored interpretive skills training and/or orientation programs that are made available at the National Park.

ing and/or orientation programs that are made available at the National Park.

GUIDED BICYCLE EXCURSIONS

- Permittee will restrict operations to paved and dirt roadways specified in the Commercial Use Authorization. Off-road and trail riding is prohibited.
- Tours will be limited to a maximum of 8 customers and 2 guides.
- Bicycle use of Leinster Bay Trail will terminate no further than the end of the dirt roadway (informal parking area).
- No alcoholic beverages will be consumed during excursions.
- Permittee and employees shall attend at least two National Park Service-led interpretive hikes prior to leading tours within the National Park.
- Permittee and employees shall attend National Park Service sponsored interpretive skills training and/or orientation programs that are made available at the National Park.
- Permittee will provide for National Park Service approval a written set of key themes or messages to be included in presentations and written materials.
- At least one staff member on every outing shall be certified in CPR and lifesaving skills and techniques.
- Permittee will provide for National Park Service approval a written set of procedures to be used to respond to emergency situations.
- Except for a single support vehicle for each tour, permittee, employee and participant vehicles will be parked outside the park. Support vehicles shall be operated at all



"Safari" buses at Trunk Bay

times in a safe and legal manner. For example, stopping in the roadway and parking other than in designated spaces are prohibited.

GUIDED HIKING EXCURSIONS

- Permittee and employees shall attend at least two National Park Service-led interpretive hikes prior to leading tours within the National Park.
- Permittee and employees shall attend National Park service sponsored interpretive skills training and/or orientation programs that are made available at the National Park.
- Permittee will provide for National Park Service approval a written set of key themes or messages to be included in presentations and written materials.
- At least one staff member on every outing shall be certified in CPR skills and techniques.
- Permittee will provide for National Park Service approval a written set of procedures to be used to respond to emergency situations.
- Permittee will ensure a maximum of 30 persons per guide.
- Permittee will maintain to National Park standards trails assigned to the permittee's use. The National Park Service will provide a copy of trail standards to the permittee.
- Permittee, employee and participant vehicles will be parked outside the park.
- Visitors will not be permitted to consume alcoholic beverages on guided outings.

WEDDINGS

- Events must not disturb or dis-

place normal visitor activities.

- Site approval from the Superintendent's Office is required for events of more than 10 persons.
- Decorations may not be attached to vegetation or to historic structures.

- This authorization does not permit food service of any type. ■



Honeymoon Beach

Acknowledgements

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A special thanks to **Jim Owens** who managed the planning process, led the public outreach efforts, and authored all Plan documents. As a Volunteer in Parks, Jim served as the park's Acting Planner and provided the leadership to guide the park through the requirements of the National Environmental Planning Act (NEPA) and NPS procedures, as well as an aggressive program of community involvement.



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Staff Contributors

Invaluable contributions to producing this Plan were made by all Virgin Islands National Park staff. Of particular significance were the contributions made by the Interdisciplinary Team (IDT) established to advise on Plan preparation. IDT members included:

John H. King, Superintendent
Russell Berry, Superintendent, November 1999– June 2000
Rafe Boulon, Chief, Resource Management Division
Don Catanzaro, Manager, Inventory & Monitoring Program
Ginger Garrison, USGS — Biological Resources Division
Jim Owens, Acting Park Planner
Elba Richardson, Concessions Management Specialist
Paul Thomas, Chief, Interpretation Division
Troy Williams, Protection Division

Other major contributions were made by:

Julie Pearson, Intern, Research
Caroline Rogers, USGS — Biological Resources Division, Research and Advice
Judy Shafer, Deputy Superintendent, Review
Colleen Smith, Production and Logistics
Krista Spencer, Intern, Research

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VINP benefited from extensive community input throughout the planning process. Invaluable contributions were made by the following members of a Sounding Board established to provide community input on issues related to commercial uses within the Park:

Clifton Boynes, Transportation Services of St. John
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Dave Dostal, Commodore, Coral Bay Yacht Club
Rick Falkenberg, *s/v Tavare*
John Fuller, Chairman,
Friends of Virgin Islands National Park
Ron Hale, Heritage Boats, Inc.
Cid Hamling, Connections
Julien Harley, St. John Administrator
John Holmberg, *s/v Lady Lynsey*
Joe Moraino, Jr., Nauti Nymph Powerboat Rentals
Gary Moses, Mixology Warehouse,
former owner, Noah's Little Arks Dinghy Rentals
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Carter Wilbur, Manager, Flagship Yacht Charters

Additional Contributors

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Kate N Design
Steve Simonsen, Photography
Leonora "Lee" Stanciauskas,
Graphic Design and Production
The Marketplace, meeting space
Ritz Carlton Hotel, meeting space
Virgin Islands National Guard, meeting space
Guy Benjamin School, meeting space

ACRONYMS AND TERMS

<i>6-Pac Vessel</i>	Vessel limited by Coast Guard regulations and NPS permit to six passengers
<i>Bareboat Charter</i>	Rented charter vessel without a hired captain or crew
<i>CFR</i>	Code of Federal Regulations
<i>Commercial Vessel</i>	Includes both “six-pack” and multi-passenger day sailboats, SCUBA vessels, kayaks, crewed charter sailboats and powerboats, and vessels associated with water sports operations. Bareboat charter vessels are not included and not subject to permit as commercial services.
<i>Concession</i>	Concession contracts are required for commercial operations occurring entirely within the park. Concession contracts require concessionaires to provide and operate specified facilities and services in the park. Concessionaires may be required or authorized to acquire, construct or install permanent facilities or improvements. Financial transactions and advertising can occur both inside and outside the park. Concessions pay a franchise fee, which is a percentage of gross receipts.
<i>Commercial Services</i>	Activities or services conducted in the park by private parties for which a fee is charged.
<i>CUA</i>	Commercial Use Authorization (formerly Incidental Business Permit).
<i>IBP</i>	Incidental Business Permit
<i>Commercial Group</i>	For VINP permit purposes, any for-fee tour group of 12 or more persons
<i>LOA</i>	Length Overall
<i>NPS</i>	National Park Service
<i>Multi-Passenger</i>	Vessel authorized by Coast Guard regulations and NPS permit to carry Vessel more than six passengers
<i>Plan</i>	Commercial Services Plan
<i>SUP</i>	Special Use Permit.
<i>PAOT</i>	Persons At One Time
<i>Park</i>	Virgin Islands National Park
<i>VINP</i>	Virgin Islands National Park

National Park Service

Purpose and Mission

“...to promote and regulate the use of the ... national parks ... which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.”

— NATIONAL PARK SERVICE ORGANIC ACT, 16 U.S.C.

Office of the Superintendent
Virgin Islands National Park
130 Cruz Bay Creek
St. John, USVI 00830

340.776.6201

<http://www.nps.gov/viis/>

